

**UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>KASHEYON LEE-CHIMA</b>	:	<b>Civil No. 1:20-CV-2349</b>
	:	
<b>Plaintiff,</b>	:	
	:	<b>(Judge Mannion)</b>
<b>v.</b>	:	
	:	
<b>K. HUGHES, et al.,</b>	:	<b>(Magistrate Judge Carlson)</b>
	:	
<b>Defendant.</b>	:	

**MEMORANDUM AND ORDER**

The background of this order is as follows:

The plaintiff, who is proceeding *pro se*, commenced this action by a complaint. (Doc. 1.) The defendants then filed a motion to dismiss the *pro se* complaint, (Doc. 26), which we converted to a motion for summary judgment. The plaintiff, in turn, moved to stay consideration of his motion, (Doc. 32), has also filed an amended complaint. (Doc. 34.)

Rule 15(a) of the Federal Rules of Civil Procedure, which governs amendment of pleadings strongly favors amendment of pleadings, and provides that such leave to amend should be liberally granted “when justice so requires.” Fed. R. Civ. P. 15(a)(2).

Accordingly, IT IS ORDERED as follows:

The plaintiff is GRANTED leave to file this amended complaint. (Doc. 34).

We believe that this development has substantive significance for the parties with respect to the pending motion to dismiss the original complaint filed by Navient since, as a matter of law, an amended complaint takes the place of the original complaint, effectively invalidating the original complaint. Crysen/Montenay Energy Co. v. Shell Oil Co. (In re Crysen/Montenay Energy Co.), 226 F.3d 160, 162 (2d Cir. 2000) ("[A]n amended pleading ordinarily supersedes the original and renders it of no legal effect"); see 6 Charles Alan Wright, Arthur R. Miller & Mary Kay Kane, Federal Practice & Procedure § 1476 (2d ed. 1990) ("A pleading that has been amended ... supersedes the pleading it modifies.... Once an amended pleading is interposed, the original pleading no longer performs any function in the case...."). Therefore, since the plaintiff's initial complaint is now a legal nullity the defendants' motion to dismiss that initial complaint, (Doc. 26), and the plaintiff's motion to stay consideration of this dispositive motion (Doc. 32) are DISMISSED as moot.

However, this amended complaint is filed without prejudice to the assertion of any defenses or dispositive motions that the defendants may believe are appropriate with respect to the amended complaint.

SO ORDERED, this 19<sup>th</sup> day of August 2021.

/s/ Martin C. Carlson  
Martin C. Carlson  
United States Magistrate Judge